

Misbranding was alleged in substance for the reason that the statement, to wit, "Packed by J. P. Andrews & Co. at Hurlock, Md., U. S. A.," was false and misleading and deceived and misled the purchaser.

On May 25, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10974. Adulteration and misbranding of cottonseed meal and misbranding of cottonseed cake. U. S. v. McCall Cotton & Oil Co., a Corporation. Plea of guilty. Fine, \$400. (F. & D. No. 15841. I. S. Nos. 10790-t, 10804-t, 10805-t.)**

On February 25, 1922, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the McCall Cotton & Oil Co., a corporation, Phoenix, Ariz., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Arizona into the State of New Mexico, on or about November 15, 1920, and April 22, 1921, respectively, of quantities of cottonseed meal, a portion of which was adulterated and misbranded and the remainder of which was misbranded, and on or about April 1, 1921, of a quantity of cottonseed cake which was misbranded. The November 15, 1920, shipment of cottonseed meal was labeled in part: "100 Pounds (Net) Cracked Cottonseed Meal \* \* \* Guaranteed analysis Protein 43.00 per cent \* \* \*." The April 22, 1921, shipment of cottonseed meal was unlabeled, but was invoiced as "Cottonseed Meal 43%." The cottonseed cake was labeled in part: "\* \* \* Brand-McCall Co. McCall Cotton & Oil Co. Phoenix, Arizona Guaranteed Analysis Crude Protein 43.00 per cent."

Analysis, by the Bureau of Chemistry of this department, of a sample from each of the consignments of cottonseed meal showed that it contained 38.96 and 38.61 per cent, respectively, of protein. Analysis of a sample of the cottonseed cake by said bureau showed that it contained 41 per cent of protein.

Adulteration of the April 22, 1921, shipment of cottonseed meal was alleged in the information for the reason that a cottonseed meal of less than 43 per cent of protein, to wit, a cottonseed meal which contained approximately 38.96 per cent of protein, had been substituted for a cottonseed meal which contained 43 per cent of protein, which the said article purported to be.

Misbranding of the same shipment of cottonseed meal was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged with respect to the November 15, 1920, shipment of cottonseed meal and the cottonseed cake for the reason that the statements, respectively, to wit, "Protein 43.00 per cent" and "Crude Protein 43.00 per cent," borne on the tags attached to the sacks containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles contained not less than 43 per cent of protein, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained not less than 43 per cent of protein, whereas, in truth and in fact, said articles did contain less than 43 per cent of protein, to wit, 38.61 per cent or 41 per cent, as the case might be, of protein.

On March 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10975. Adulteration of shell eggs. U. S. v. George F. Gutshall (Chattanooga Mercantile Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16023. I. S. No. 18201-t.)**

On April 10, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George F. Gutshall, trading as Chattanooga Mercantile Co., Chattanooga, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 15, 1921, from the State of Oklahoma into the State of Texas of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 720 eggs from the consignment showed that 413, or 57.3 per cent of those examined, were inedible eggs, consisting of mixed or white rots, spot rots, blood rings, blood rots, and chick rots.